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Conformation No. 5040

Attorney Docket No. 098501-0264671

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF Engel *et al.*

Confirmation No.: 5040

Application No.: 09/523,455

Group Art Unit: 1617

Filed: March 10, 2000

Examiner: Carter, Kendra D.

Title: METHOD FOR A PROGRAMMED CONTROLLED OVARIAN STIMULATION
PROTOCOL

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

In response to the Notification of Non-Compliant Appeal Brief mailed October 11, 2011, Appellants provide herewith a corrected Claims Appendix that corrects the dependency of claims 23-25 to be consistent with the last set of claims filed on October 20, 2010. Per the Notification, only the corrected section is provided.

The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to Deposit Account No. 033975, Reference No. 098501-0264671.

Respectfully submitted,

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Dated: October 14, 2011

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X. CLAIMS APPENDIX – CLAIMS ON APPEAL

1-3. (Cancelled).

4. (Previously Presented) The method of claim 26, wherein said assisted reproduction techniques are carried out during routine operations of laboratories, clinics, hospitals or other assisted reproduction facilities.

5. (Previously Presented) The method of claim 26, wherein said second dose administers cetrorelix.

6. (Previously Presented) The method of claim 26, wherein said second dose administers teverelix.

7. (Previously Presented) The method of claim 26, wherein said second dose administers ganirelix.

8. (Previously Presented) The method of claim 26, wherein said second dose administers antide.

9. (Previously Presented) The method of claim 26, wherein said second dose administers abarelix.

10-15. (Cancelled)

16. (Previously Presented) The method of claim 26, wherein said first dose administers cetrorelix.

17. (Previously Presented) The method of claim 26, wherein said first dose administers teverelix.

18. (Previously Presented) The method of claim 26, wherein said first dose administers ganirelix.

19. (Previously Presented) The method of claim 26, wherein said first dose administers antide.

20. (Previously Presented) The method of claim 26, wherein said first dose administers abarelix.

21. (Previously Presented) The method of claim 28, wherein said follicle stimulating compound is selected from the group consisting of urinary FSH, recombinant FSH, HMG, recombinant LH, or a combination thereof.

22. (Previously Presented) The method of claim 28, wherein said follicle stimulating compound is clomiphene.

23. (Previously Presented) The method of claim 26, wherein said ovarian stimulation is achieved by administration of antioestrogens and gonadotropins.

24. (Previously Presented) The method of claim 26, wherein said ovarian stimulation is achieved by administration of clomiphene and gonadotropins.

25. (Previously Presented) The method of claim 26, wherein said assisted reproduction techniques comprise applying IVF, ICSI, GIFT, ZIFT or intrauterine insemination via sperm injection.

26. (Previously Presented) A method of programming an infertility treatment cycle comprising controlled ovarian stimulation (COS) and assisted reproductive techniques (ART), the method comprising:

determining a luteal phase of a first menstrual cycle in an infertile patient;

administering a first dose regimen of an LHRH antagonist during said luteal phase of said first menstrual cycle, wherein said first dose regimen of LHRH antagonist induces a luteal regression;

terminating said first dose regimen administration prior to the onset of menses;

determining a follicular phase of a second menstrual cycle wherein said second menstrual cycle immediately succeeds said first menstrual cycle;

administering a follicle stimulating compound during said follicular phase, wherein said follicle stimulating compound stimulates ovarian follicle growth;

administering a second dose regimen of said LHRH antagonist during said follicular phase, wherein said second dose regimen of an LHRH antagonist suppresses premature ovulation;

administering HCG thereby inducing ovulation; and

applying assisted reproduction techniques.

27. (Previously Presented) A method of programming an infertility treatment cycle according to Claim 26, wherein said LHRH antagonist is selected from the group consisting of cetrorelix, teverelix, ganirelix, antide, and abarelix.

28. (Previously Presented) A method of programming an infertility treatment cycle according to Claim 26, wherein said follicle stimulating compound is selected from

U.S.S.N. 09/523455

the group consisting of urinary FSH, recombinant FSH, HMG, recombinant LH, clomiphene, or a combination thereof.